

IN THE MATTER OF THE APPLICATION OF
DAVID KAPLAN FOR A ZONING VARIANCE ON
PROPERTY LOCATED ON THE EAST SIDE OF
WINDRIDGE ROAD, 210' NORTH OF 1st
CENTERLINE OF STREAMWOOD DRIVE (4105
WINDRIDGE ROAD)
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-364-A

ORDER OF DISMISSAL

This case comes before this Board on appeal from a Dismissal of a Petition for Variance by the Zoning Commissioner due to the Petitioner's failure to appear at the scheduled public hearing. Due to the Petitioner's failure to appear at the scheduled hearing before the County Board of Appeals of Baltimore County it is ORDERED that the Petition for a Zoning Variance to permit a side yard setback of 7' and a side yard setback sum of 17' in lieu of the required 11.25' and 21.25', respectively, for an open projection (deck) be and the same is hereby DISMISSED with prejudice.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

DATE: September 21, 1989

William J. Harkins
William J. Harkins, Chairman
John G. Disney
John G. Disney
Michael B. Shuler
Michael B. Shuler

IN RE: PETITION FOR ZONING VARIANCE
210' WINDRIDGE ROAD, 210' NORTH OF 1st
CENTERLINE OF STREAMWOOD DRIVE (4105
WINDRIDGE ROAD)
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 89-364-A

ORDER OF DISMISSAL

Due to the Petitioner's failure to appear at the scheduled public hearing on the above captioned matter, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 16th day of March, 1989, that the Petition for Zoning Variance to permit a side yard setback at 7' and a side yard setback sum of 17' in lieu of the required 11.25' and 21.25', respectively, for an open projection (deck) be and the same is hereby DISMISSED with prejudice.

SHULLEN
cc: Peoples Counsel

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner OF
BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(800) 887-3333

RE: Petition for Zoning Variance
210' WINDRIDGE ROAD, 210' NORTH OF 1st
CENTERLINE OF STREAMWOOD DRIVE (4105
WINDRIDGE ROAD)
2ND ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT
DAVID KAPLAN - Petitioner
Case No. 89-364-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 23, 1989, by David Kaplan, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

J. ROBERT HAINES
Zoning Commissioner

JRH:ccr

Enclosures

cc: People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File



Dennis P. Hammann
County Executive

APPEAL
Petition for Zoning Variance
210' WINDRIDGE ROAD, 210' NORTH OF 1st
CENTERLINE OF STREAMWOOD DRIVE (4105
WINDRIDGE ROAD)
2ND ELECTION DISTRICT - 2ND COUNCILMANIC DISTRICT
DAVID KAPLAN - Petitioner
Case No. 89-364-A

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments

Zoning Commissioner's Order of Dismissal dated March 16, 1989
Notice of Appeal received March 23, 1989 from David Kaplan, Petitioner

cc: People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Hertzog, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 23, 1989
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 23, 1989.

THE JEFFERSONIAN,

S. Zabe Olson
Publisher

PO 09802
NY 1135273
price \$39.40

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Board of Appeals, will hold a public hearing on the property described herein at Room 106 of the County Office Building, located at 111 W. Center Street, Towson, Maryland, at 11:15 A.M. on the date and at the place specified below.
Case Number: 89-364-A
Petitioner: David Kaplan
Address: 4105 Windridge Road, 210' North of 1st Centerline of Streamwood Drive, 2nd Election District, 2nd Councilmanic District
Hearing Date: Friday, March 10, 1989 at 11:15 A.M.
Hearing Place: Room 106, County Office Building, 111 W. Center Street, Towson, Maryland 21204
Variance: To permit a side yard setback of 7' and a side yard setback sum of 17' in lieu of the required 11.25' and 21.25' feet, respectively, for an open projection (deck).
Reasons: The Petitioner has been unable to obtain the necessary permits for the proposed project due to the existing zoning regulations. The Petitioner is requesting a variance to allow the project to proceed. The Petitioner has been unable to obtain the necessary permits for the proposed project due to the existing zoning regulations. The Petitioner is requesting a variance to allow the project to proceed.
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Reasons: The Petitioner has been unable to obtain the necessary permits for the proposed project due to the existing zoning regulations. The Petitioner is requesting a variance to allow the project to proceed. The Petitioner has been unable to obtain the necessary permits for the proposed project due to the existing zoning regulations. The Petitioner is requesting a variance to allow the project to proceed.

PAPERS OF MARYLAND, INC.

Md., 1989
annexed
successive weeks days previous
1989, in the
a daily newspaper published
Minister, Carroll County, Maryland,
a weekly newspaper published
in Baltimore County, Maryland.
a weekly newspaper published
in Baltimore County, Maryland.
PAPERS OF MARYLAND, INC.
P.O. Box 1000
P.O. Box 1000

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Posted for: *David Kaplan* Date of Posting: *February 16, 1989*
Petitioner: *David Kaplan*
Location of property: *4105 Windridge Road, 210' North of Streamwood Drive, 2nd Election District, 2nd Councilmanic District*
Location of Sign: *at foot of 4105 Windridge Road*
Remarks:
Posted by: *J. Robert Haines* Date of return: *February 17, 1989*
Number of Signs: *1*

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Posted for: *David Kaplan* Date of Posting: *February 16, 1989*
Petitioner: *David Kaplan*
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Location of Sign: *at foot of 4105 Windridge Road*
Remarks:
Posted by: *J. Robert Haines* Date of return: *February 17, 1989*
Number of Signs: *1*

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(800) 887-3333
J. Robert Haines
Zoning Commissioner

March 16, 1989



Dennis P. Hammann
County Executive

Mr. David Kaplan
4105 Windridge Road
Randallstown, Maryland 21133

RE: Petition for Zoning Variance
Case No. 89-364-A

Dear Mr. Kaplan:

Enclosed please find an Order of Dismissal in the above captioned case, together with a bill for advertising and posting in the amount of \$101.76.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:ccr
att.
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 11.25 and 21.25 of the Zoning Ordinance to permit a side yard setback of 7' and a side yard setback sum of 17' in lieu of the required 11.25' and 21.25', respectively, for an open projection (deck).

CONSTRUCTION OF WOODEN DECK WITHIN LEFT SIDE SETBACK LINE OF LOT 43 BLOCK 'C' AS SHOWN ON ATTACHED PLAT FOR ZONING VARIANCE DRAWING.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm that I am the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: *David Kaplan* (Type or Print Name)

Signature: *David Kaplan* (Type or Print Name)

Address: *4105 Windridge Road* (Type or Print Name)

City and State: *Baltimore, MD*

Signature: *David Kaplan* (Type or Print Name)

Address: *4105 Windridge Road* (Type or Print Name)

City and State: *Baltimore, MD*

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: *David Kaplan, 4105 Windridge Road, Baltimore, MD, 410-898-8980*

Attorney's Telephone No.: *410-898-8980*

ORDERED BY: The Zoning Commissioner of Baltimore County, this 16th day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of March, 1989, at 11:15 o'clock.

M. *J. Robert Haines*
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING: 15 MINUTES
DATE OF HEARING: 11/16/89
ESTIMATED COST OF HEARING: \$101.76

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

Mr. David H. Kaplan
4105 Windridge Road
Randalltown, Maryland 21203

Re: Petition for Zoning Variance
CASE NUMBER 89-364-A
4105 Windridge Road, 20' c/l Streamwood Drive
2nd Election District - 2nd Councilmember
Petitioner(s) David Kaplan
HEARING SCHEDULED FRIDAY, MARCH 10, 1989 at 2:00 p.m.

Dear Mr. Kaplan:

Please be advised that 2101.2 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THIS CASE SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing is scheduled to begin.

If you fail to return the sign and post set(s), there will be a \$100.00 fee assessed to the above (see fee for each set not returned).

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 3-6-89 ACCOUNT: 007710

TO: DAVID KAPLAN AMOUNT: \$

43

NEC
signature of unit

VALIDATION OF SIGNATURE OF CARRIER
TOWSON OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(410) 887-3354

January 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 266, 267, 268, 269, 270, and 271.

Michael B. Plantow
Traffic Engineer Associate II

89-364-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 11th day of January, 1989.

Petitioner: David Kaplan Received by: James E. Dyer
Attorney: Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1989

County Office Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. David H. Kaplan
4105 Windridge Road
Randalltown, MD 21208

RE: Item No. 269, Case No. 89-364-A
Petitioner: David Kaplan
Petition for Zoning Variance

Dear Mr. Kaplan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI, IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204 286
884-4300

Paul H. Reineke

January 12, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: David H. Kaplan
Location: E/S Windridge Rd., 20' c/l of Streamwood Dr.
Item No.: 269

Zoning Agenda Meeting of 1/10/89

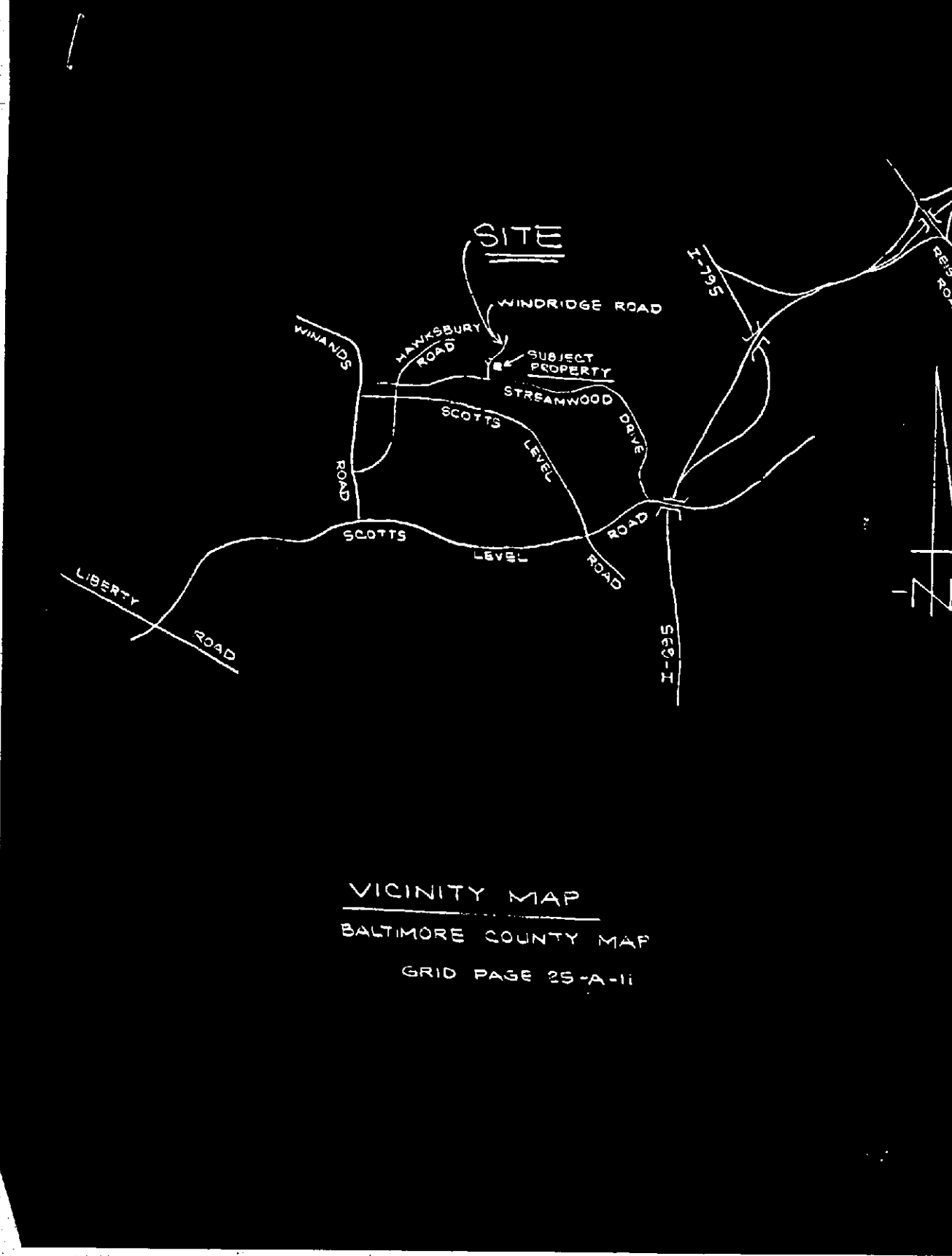
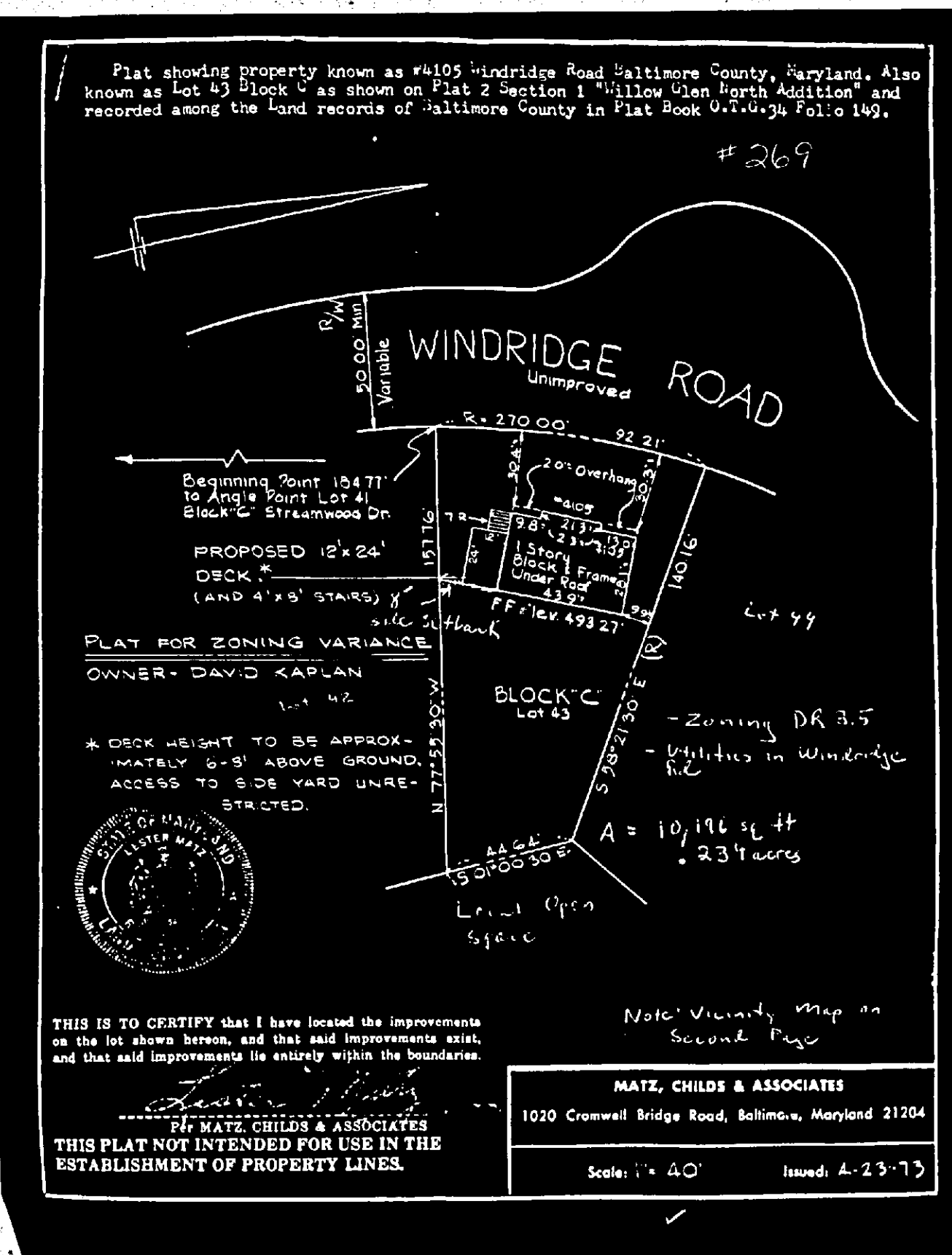
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be mad. to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: [Signature] 1-11-89
Special Inspection Division

7/1



GRID PAGE 25-A-11

Scale: 1" = 40'

Issued: 1-25-79

MAZ, CHILDS & ASSOCIATES

1020 Cromwell Bridge Road, Baltimore, Maryland 21204

Scale: 1" = 40'

Issued: 1-25-79

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Scale: 1" = 40'

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Scale: 1" = 40'

Issued: 1-25-79

MAZ, CHILDS & ASSOCIATES

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-308-SPH (Jefferson); 89-318-A (Podles); 89-350-A (Khouzami); 89-354-A (Smith); 89-359-A (Heuttner); 89-363-A (Cash); 89-364-A (Kaplan); 89-368-A (Appel); 89-369-A (Mathai); 89-375-A (Vinson); 89-376-A (Gambrill); 89-378-A (Lim); 89-379-A (Freundlich); 89-387-A (Babikow) and 89-393-A (Lubman)

Date: March 7, 1989

The Office of Planning and Zoning has no comment on the above listed petitions.

PK/sf

RECEIVED
MARCH 10 1989
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

2/8/89



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-364-A
E/S Windridge Road, 210' c/1 Streamwood Drive
4105 Windridge Road
2nd Election District - 2nd Councilmanic
Petitioner(s): David Kaplan
HEARING SCHEDULED: FRIDAY, MARCH 10, 1989 at 2:00 p.m.

Variance to permit a side yard setback of 7 ft. and side yard setback sum of 17 feet in lieu of the required 11.25 feet and 21.25 feet, respectively, for an open projection (deck).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Kaplan
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 31, 1989



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
E/S Windridge Road, 210' c/1 of Streamwood Drive
(4105 Windridge Road)
2nd Election District, 2nd Councilmanic District
DAVID KAPLAN - Petitioner
Case No. 89-364-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 23, 1989, by David Kaplan, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

J. Robert Haines
Voted to deny variance.

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Zoning Variance
E/S Windridge Road, 210' c/1 of Streamwood Drive
(4105 Windridge Road)
2nd Election District - 2nd Councilmanic District
DAVID KAPLAN - Petitioner
Case No. 89-364-A

Petition for Zoning Variance ✓
Description of Property ✓
Certificate of Posting ✓
Certificate of Publication ✓
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments ✓
Director of Planning & Zoning Comments ✓
Zoning Commissioner's Order of Dismissal dated March 16, 1989 ✓
Notice of Appeal received March 23, 1989 from David Kaplan, Petitioner ✓

* Mr. David Kaplan, 4105 Windridge Rd., Baltimore, MD 21208

cc: People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk